

FACT SHEET

As required by LAC 33:IX.3111 for major LPDES dischargers, for draft Louisiana Pollutant Discharge Elimination System Permit No. LAG300000 to discharge to waters of the State of Louisiana as per LAC 33:IX.Chapter 31

**GENERAL PERMIT NO. LAG300000
AI 116224
PER20090001**

DISCHARGES THAT RESULT FROM DEWATERING OF PETROLEUM STORAGE TANKS, TANK BEDS, NEW TANKS AND EXCAVATIONS

FACT SHEET FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT FOR DISCHARGES RESULTING FROM THE DEWATERING OF PETROLEUM STORAGE TANKS, UNDERGROUND PETROLEUM STORAGE TANK BEDS OR CAVITIES, BALLAST WATER USED IN THE INSTALLATION OF NEW TANKS, AND EXCAVATIONS RELATED TO THE SURFACE CLEANUP OF SPILLS OR LEAKS RESULTING FROM THE HANDLING OF PETROLEUM

Permit No.	LAG300000
Issuing Office:	State of Louisiana Department of Environmental Quality Office of Environmental Services Water Permits Division
Prepared By: (LAC 33:IX.3111.B.7)	Linda Gauthier Municipal and General Permits Section Water Permits Division (225) 219-0801
Permit Action:	Reissuance of a General Permit for Discharges Resulting from the Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations
Date Prepared	February 1, 2009

I. ISSUANCE OF A GENERAL PERMIT (LAC 33:IX.2515)

The Office of Environmental Services, Water Permits Division, through its permitting system authorized under the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), is responsible for ensuring that certain sources of wastewaters and storm water are

identified, receive adequate treatment, and are disposed of in accordance with applicable state regulations. In accordance with the "Memorandum of Agreement" between the State of Louisiana and the U.S. Environmental Protection Agency and LAC 33:IX.2301, et seq., the Department has the authority to administer the LPDES General Permits Program. Under the authority of Section 402 of the Clean Water Act, 40 CFR 123.24, and LAC 33:IX.2515.A.2.b, a general permit can be used to cover a category of point sources other than storm water point sources, or a category of treatment works treating domestic sewage, if the sources or treatment works treating domestic sewage all:

1. involve the same or substantially similar types of operations;
2. discharge the same types of wastes or engage in the same types of sludge use or disposal practices;
3. require the same effluent limitation or operating conditions, or standards for sewage sludge use or disposal;
4. require the same or similar monitoring; and
5. in the opinion of the state administrative authority, are more appropriately controlled under a general permit than under individual permits.

The general permit will authorize only discharges identified in Section B of the permit which typically are short-term discharges of low volume flows. This permit **shall not** apply to:

1. facilities implementing a groundwater remediation project;
2. facilities which discharge substances that are not addressed by pollution prevention plan requirements or would not be adequately regulated by the effluent limitations of this permit;
3. discharges that are mixed with other, non-covered discharge types unless those other discharges are in compliance with another LPDES permit;
4. discharges of wastewaters which have limits assigned to them in the Louisiana Water Quality Management Plan or by an approved Waste Load Allocation which are different from the limits contained in this permit;
5. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined by the U.S. Fish and Wildlife Service;
6. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer *(for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170.)*

7. discharges of wastewater determined by this Office to present an environmental risk or potential risk of discharging pollutants other than is intended to be regulated by this permit;
8. proposed discharges directly into a waterbody designated as an outstanding natural resource water, as defined in LAC 33:IX.1123.Table 3, except in accordance with LAC 33:IX.1119.C.4; and
9. discharges from operations classed as new sources or new discharges if the discharge will cause or contribute to the violation of water quality standards not addressed by the terms, conditions and schedules of this general permit (LAC 33:IX.2317.A.9).

At the discretion of this Office, coverage under this general permit **may not** be available to discharges:

1. discharges from facilities not in compliance with a previously issued individual or general wastewater discharge permit;
2. discharges from facilities which have previously been in violation of state water quality regulations;
3. discharges from facilities which are located in an environmentally sensitive area;
4. discharges into water bodies designated by the State pursuant to Section 303(d) of the Clean Water Act;
5. discharges into waters that are likely to contain threatened or endangered species; or
6. discharges from facilities which owe any outstanding fees or fines to the Department.

The Department may deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of the NOI or other information. This Office reserves the right to issue such facilities an individual LPDES permit with more appropriate limitations and conditions.

The state administrative authority may require any discharger authorized by a general permit to apply for and obtain an individual LPDES permit. Any interested person may petition the state administrative authority to require an individual permit in accordance with LAC 33:IX.2515.B.3.a.i-vii. NOIs for all facilities requesting coverage under this general permit will be posted to LDEQ's public internet site. Likewise, all facilities authorized to discharge under this general permit will be posted on LDEQ's public internet site. Cases where an individual LPDES permit may be required include the following:

- i. the discharger or treatment works treating domestic sewage is not in compliance with the conditions of the general LPDES permit;

- ii. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;
- iii. effluent limitation guidelines are promulgated for point sources covered by the general LPDES permit;
- iv. a water quality management plan containing requirements applicable to such point sources is approved;
- v. circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;
- vi. standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general LPDES permit; or
- vii. the discharge(s) is a significant contributor of pollutants. In making this determination, the state administrative authority may consider the following factors:
 - (a) the location of the discharge with respect to waters of the state;
 - (b) the size of the discharge;
 - (c) the quantity and nature of the pollutants discharged to waters of the state; and
 - (d) other relevant factors (such as, but not limited to, critical flow and harmonic mean flow determinations, environmental considerations, site operational data, designated uses, water quality characteristics and other applicable water quality and regulatory requirements).

The facilities covered under this general permit would be assigned identical effluent limitations and requirements if covered under an individual LPDES discharge permit based on facility type and size. Given the large number of sites in Louisiana that might dewater petroleum storage tanks, tank beds, new tanks and excavations, LDEQ considers this general permit the most effective means by which to implement and enforce Louisiana's Water Quality Regulations efficiently, consistently and practically.

II. COVERED ACTIVITY (LAC 33:IX.3111.B.1.2)

This LPDES permit is being reissued and will replace the LPDES General Permit LAG300000 for Discharges Resulting From Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations which was initially issued by the Louisiana Department of Environmental Quality (LDEQ) on December 2, 1999 and effective January 1, 2000, and reissued effective January 1, 2005, and modified August 1, 2005.

The proposed permit shall cover discharges resulting from the dewatering of petroleum storage tanks, underground petroleum tank beds or cavities, ballast water used in the installation of new tanks, and excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Facilities eligible for coverage include, but are not limited to, gas stations, convenience stores, truck stops, vehicle maintenance and storage facilities, facilities at which new storage tanks are being installed, and facilities which are upgrading, repairing, and/or testing petroleum storage tanks.

Those facilities operating a source or conducting an activity that result in a discharge into waters of the state may obtain permit coverage for discharges from multiple locations throughout the state (statewide coverage), or for discharges from a single location (site-specific coverage). Statewide coverage of facilities streamlines the permitting process for those activities that are eligible for coverage. If this Office deems it in the best interest of the environment and water quality, a site-specific discharge permit may be required for any given facility.

Unless notified otherwise by the Secretary or his designee, owners/operators are authorized to discharge wastewater and/or storm water under the terms and conditions of the permit upon the receipt of a hand-delivered, correctly completed DPST-G NOI by the Office of Environmental Services, Water Permits Division or 48 hours after the postmark date on the envelope that contains the correctly completed NOI. Submission of this NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of the general permit. This Office will send a copy of the general permit to the permitted facility along with a cover letter acknowledging that an NOI was received by the Water Permits Division. That letter will contain a permit authorization number that the facility will use on all records and reports associated with the facility. The letter will state that the permittee has either site-specific permit coverage or statewide permit coverage under this general permit. In accordance with Permit *Other Conditions*, Sections F, I, and O, the State Administrative Authority may, upon review of the NOI or at a later date, take measures to prohibit any discharge that is not protective of state water quality standards.

If determined appropriate by the agency, operators may be authorized under this permit after submittal of an alternate NOI/application form. These eligible applicants will be covered upon issuance of a permit authorization number and authorization letter by the Water Permits Division.

Discharges covered by this permit are limited to discharges resulting from:

- Dewatering petroleum storage tanks;

- Dewatering underground petroleum tanks beds or cavities;

- Dewatering ballast water used in the installation of new tanks; and

- Dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum;

Or a combination of these discharges as specified in the NOI submitted by the applicant and in accordance with the conditions of the permit.

Discharges from dewatering of petroleum storage tanks, tank beds, new tanks, and excavations might occur at, but are not limited to:

1. Gas stations and convenience stores with fuel pumps;
2. Vehicle maintenance and storage facilities with fuel pumps;
3. Truck stops with fuel pumps;
4. Facilities at which new storage tanks are being installed;
5. Facilities at which petroleum is stored and/or used; and
6. Facilities which are upgrading, repairing, and/or testing petroleum storage tanks.

Petroleum: means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.

III. OBTAINING COVERAGE

Dischargers desiring coverage under this general permit must submit a Notice of Intent (NOI) using Form DPST-G, or an equivalent, which may be obtained from the LDEQ Internet web page at <http://www.deq.state.louisiana.gov/portal/> - INFO ABOUT Water - Permits - LPDES, Permits, Information, and Applications or by calling (225) 219-3294. Unless notified otherwise by the Secretary or his designee, eligible owners/operators/applicants are authorized to discharge wastewater and/or storm water under the terms and conditions of the permit upon the receipt of a hand-delivered, correctly completed DPST-G NOI by the Office of Environmental Services, Water Permits Division or 48 hours after the postmark date on the envelope that contains the correctly completed NOI. The NOI shall indicate whether site-specific permit coverage or statewide permit coverage is desired. If discharges are currently being conducted on a site-specific basis or a statewide basis and have not been permitted, an NOI shall be submitted immediately.

If circumstances change in the future at a permitted facility that result in the addition or elimination of permitted outfalls, or a change in the composition of effluent from a permitted outfall, the permittee is required to notify the Water Permits Division in writing of the elimination/change of any outfalls that were identified in the NOI or the addition of outfalls that were not identified in the NOI that was submitted for general permit coverage. Notification of the addition or elimination/change of permitted outfalls, or a change in the composition of effluent from a permitted outfall, must be made in writing and must be accompanied by a site diagram that clearly illustrates and identifies current outfall locations at the permitted site.

The permittee is required to submit a permit transfer request to the Permit Support Division either prior to or no later than 45 days after the permitted facility changes

ownership/operator. The request must be made on the official LDEQ form NOC-1 which is available on the LDEQ website at: www.deq.louisiana.gov/portal/ - PROGRAMS – Small Business/Small Community Assistance SB/SCAP/ - Forms and Publications – Forms – Name/Operator/Owner Change Form. Any questions related to making a permit transfer should be directed to the LDEQ Application Verification Group at (225) 219-3292.

A printed hard copy of this permit may be obtained by contacting the LDEQ Water Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at www.deq.louisiana.gov/portal/. Go through the following links to find the permit: INFO ABOUT Water – Permits – LPDES Permits, Information, and Applications – LPDES General Permits – LAG300000.

Dischargers who are currently permitted under the LPDES version of this permit that expires on December 31, 2009, are not required to submit a new NOI. Provided the applicability requirements of the reissued permit are met, these permitted dischargers will be automatically covered under the reissued LPDES permit. Notification of coverage and a copy of the permit will be sent to each permittee after permit finalization. Permit conditions in the reissued permit are effective for these automatically-authorized permittees three (3) days after the postmark date of the notification of the facility's coverage under the reissued general permit.

During the reauthorization process, Water Permits Division staff members will evaluate each existing authorization under the general permit to assess the reasonable potential for the discharge of pollutants from the facility to cause or contribute to a violation of water quality standards for any known impairments. The evaluation will include checking the basin subsegment numbers to ascertain that no currently permitted dischargers are discharging directly to a waterbody designated as an outstanding natural resource water. Any currently permitted facility that is identified as discharging directly to an outstanding natural resource water will be notified of its options to maintain permit coverage:

- (1) Provide data to the Water Permits Division to show that the discharges from the facility are not causing degradation as defined in LAC 33:IX.1119.C.4;
- (2) Reroute the discharges to prevent discharges from "directly" entering the waterbody; or
- (3) Submit an individual permit application to determine if the facility can be permitted under an individual LPDES permit with more appropriate limitations or conditions.

Any permittee covered by an individual permit or other general permit(s) may submit form DPST-G and request that the individual permit or other permit(s) be canceled if the permitted source or activity is also eligible for coverage by this general permit. Upon approval by this Office, the permittee will be notified of coverage by this general permit and of cancellation of the previous permit(s).

Submission of a DPST-G NOI is an acknowledgment that the conditions of the general permit are applicable to the proposed discharge, and that the applicant agrees to comply with the conditions of the general permit. For companies that wish to be covered on a statewide basis, an NOI must be submitted for statewide permit coverage. Operators at facilities where activities are conducted that are regulated by the general permit shall submit an NOI for site-specific permit coverage. This office will send a copy of the general permit to the permitted facility along with a cover letter acknowledging that an NOI was received by the Water Permits Division. That letter will contain a permit authorization number that the facility will use on all records and reports associated with the facility. The letter will state that the facility has either site-specific permit coverage or statewide permit coverage under the general permit. In accordance with Permit *Other Conditions*, Sections F, I and M, the State Administrative Authority may, upon review of the NOI or at a later date, take measures to prohibit any discharge that is not protective of state water quality standards.

IV. DISCHARGE DESCRIPTION (LAC 33:IX.3111.B.2)

The permit may cover only discharges identified above in Item I. This permit **shall not** apply to:

1. facilities implementing a groundwater remediation project;
2. facilities which discharge substances that are not addressed by pollution prevention plan requirements or would not be adequately regulated by the effluent limitations of this permit;
3. discharges that are mixed with other, non-covered discharge types unless those other discharges are in compliance with another LPDES permit;
4. discharges of wastewaters which have limits assigned to them in the Louisiana Water Quality Management Plan or by an approved Waste Load Allocation which are different from the limits contained in this permit;
5. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined by the U.S. Fish and Wildlife Service;
6. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (*for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170.*)
7. discharges of wastewater determined by this Office to present an environmental risk or potential risk of discharging pollutants other than is intended to be regulated by this permit;

8. proposed discharges directly into a waterbody designated as an outstanding natural resource water, as defined in LAC 33:IX.1123.Table 3, except in accordance with LAC 33:IX.1119.C.4; and
9. discharges from operations classed as new sources or new discharges if the discharge will cause or contribute to the violation of water quality standards not addressed by the terms, conditions and schedules of this general permit (LAC 33:IX.2317.A.9).

At the discretion of this Office, coverage under this general permit **may not** be available to:

1. discharges from facilities not in compliance with a previously issued individual or general wastewater discharge permit;
2. discharges from facilities which have previously been in violation of state water quality regulations;
3. discharges from facilities which are located in an environmentally sensitive area;
4. discharges into water bodies designated by the State pursuant to Section 303(d) of the Clean Water Act;
5. discharges into waters that are likely to contain threatened or endangered species; or
6. discharges from facilities which owe any outstanding fees or fines to the Department.

V. DISCHARGE LOCATION (LAC 33:IX.6519.A.1)

Within the geographic boundaries of the State of Louisiana.

VI. RECEIVING STREAM/USES (LAC 33:IX.6519.A.2)

The general permit covers discharges to any waterbody within the geographic boundaries of the State of Louisiana, as defined in LAC 33:IX.1123 and LAC 33:IX.2313. However, each individual facility covered under the general permit will only be allowed to discharge to the specific waterbody identified in that facility's Notice of Intent that is submitted for permit coverage.

The possible designated uses of the receiving streams are:

- Primary Contact Recreation
- Secondary Contact Recreation
- Propagation of Fish and Wildlife
- Oyster Propagation
- Drinking Water Supply
- Agriculture
- Outstanding Natural Resource Waters
- Limited Aquatic Life and Wildlife Use

VII. PROPOSED EFFLUENT LIMITATIONS AND/OR CONDITIONS

The specific effluent limitations and/or conditions will be found in the draft permit. Development of permit limits is detailed in the Draft Permit Rationale section below.

VIII. DRAFT PERMIT RATIONALE (LAC 33:IX.3111.B.4, LAC 33:IX.3305.B.1.d)

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The proposed effluent limitations and/or conditions are a continuation of those implemented in the Final LPDES General Permit for Discharges Resulting from the Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations (LAG300000), effective January 1, 2005.

A. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Two types of technology-based effluent limitations must be included in this general permit. With regard to conventional pollutants, CWA Section 301(b)(1)(E) requires effluent limitations based on best conventional pollution control technology (BCT). With regard to nonconventional and toxic pollutants, CWA Section 301(b)(2)(A), (C), and (D) requires effluent limitations based on best available pollution control technology economically achievable (BAT). BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA Section 402(a)(1) requires that appropriate BCT and BAT effluent limitations be determined using best professional judgment (BPJ). Since national guidelines establishing BPT, BCT, and BAT standards have not been promulgated for discharges resulting from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum, the appropriate BCT and BAT limitations have been established based on BPJ, as required by CWA Section 402(a)(1) and LAC 33:IX.3705.

Discharges of storm water and wastewaters from dewatering activities are noncontinuous in nature. The determination of flow from these outfalls is derived by estimate of the flow. Because of this, in this permit effluent limitations for discharges that are intermittent or noncontinuous in nature will be in terms of daily maximum concentrations, as allowed by LAC 33:IX.2709.F.1 and 40 CFR 122.45.

B. TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS
(LAC 33:IX.3111.B.4)

1. GENERAL COMMENTS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgment) in the absence of guidelines, or on a combination of the two.

Discharges under this general permit will include releases related to dewatering activities from petroleum-contaminated sources at gas stations and convenience stores with fuel pumps, vehicle maintenance and storage facilities with fuel pumps, truck stops with fuel pumps, facilities where new storage tanks are being installed, facilities where petroleum is stored and/or used, and facilities which are upgrading, repairing, and/or testing petroleum storage tanks. The permit is intended to cover only discharges from dewatering of

- a. petroleum storage tanks;
- b. underground petroleum tank beds or cavities;
- c. ballast water used in the installation of new tanks;
- d. excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

The draft permit limits and conditions are equivalent to those in the current LPDES General Permit for Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations (LAG300000), effective January 1, 2005. However, permittee requirements under the permit differ in several ways from the previous version of the permit (hereafter referred to as DPST 2005) that expires on December 31, 2009.

- (1) Updated the following *Other Conditions* to match current requirements in recently issued LPDES permits:
 - a. Expanded the section on 24-hour Oral Reporting requirements; and
 - b. Added Section Q – Flow Measurement.
- (2) Changed "Permits Division" to "Water Permits Division";
- (3) Clarified that permitted dischargers under the DPST 2005 version of the permit that expires on December 31, 2009, will be automatically covered under the reissued permit so long as applicability conditions of the reissued permit are met;

- (4) Although all NOIs submitted for coverage under a general permit have always undergone an extensive review to ascertain that the discharge is eligible for coverage under a general permit, the reissuance permit now includes specific language to describe instances where applicants for coverage under the permit may be required to apply for individual LPDES permit coverage. Cases where an individual LPDES permit may be required are described in *Other Conditions*, Sections F, I and M;
- (5) Updated language in the permit to instruct permittees to use test methods prescribed in the latest approved 40 CFR 136 in order to ensure that they are using the most current and sensitive parameter-specific test methods; and
- (6) Excluded proposed discharges directly into a waterbody designated as an outstanding natural resource water, as defined in LAC 33:IX.1123.Table 3, from coverage under the general permit. Such discharges may pursue coverage under an individual permit.

2. LIMITED PARAMETERS

a. TOC: Daily maximum effluent limitations of 50 mg/L TOC shall be included in this general permit for covered discharges. The total amount of organically bound carbon will be more clearly measured using TOC, which will be limited under Best Available Technology Economically Achievable (BAT) based on Best Professional Judgment (BPJ). This effluent limitation for TOC was included as the daily maximum limitation in the current LPDES General Permit for Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations. This effluent limitation can also be found in the EPA Region VI Storm Water Guidance Document, LPDES Discharges of Treated Groundwater, Potentially Contaminated Storm Water, and/or Associated, LPDES Cement, Concrete and Asphalt Facilities General Permit, the LPDES General Permit for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Louisiana, in individual permits issued by this Office; and LDEQ Storm Water Guidance letter from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region VI), dated June 17, 1987.

b. pH: Best Conventional Pollutant Control Technology (BCT) based on Best Professional Judgment; LAC 33:IX.5905.C. Effluent limitation of 6.0 minimum to 9.0 maximum standard units will be included in this permit. This effluent limitation was included in the previously issued LPDES General Permit for Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations, as well as all the other LPDES general permits issued by this Office. This effluent limitation can also be found in the EPA Region VI Storm Water Guidance Document and in previous individual and general permits issued by the Office of Environmental Services (formerly the Office of Water Resources).

c. **Oil & Grease:** Best Conventional Pollutant Control Technology based on Best Professional Judgment; the previously issued LPDES General Permit for Discharges from Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations; previously issued individual LPDES permits. The traditional daily maximum effluent limitation of 15 mg/l Oil & Grease is proposed based on BPJ for discharges resulting from dewatering of petroleum storage tanks, dewatering underground storage tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Under LAC 33:IX.1113.B.6, free or floating oil or grease shall not be allowed in quantities large enough to interfere with the designated uses, nor shall emulsified oils be present in quantities large enough to interfere with the designated uses of a water body that has been designated as waters of the state.

d. **Total BTEX:** BTEX components such as toluene and xylenes may be present in water contaminated by liquid or gaseous petroleum hydrocarbons. EPA documents cite a study that was performed for the Gas Research Institute (GRI) in April, 1996, by Tallon, Myerski and Fillo and is titled "Environmental Aspects of Hydrostatic Test Water Discharges: Operations, Characterization, Treatment and Disposal." The data in the GRI study illustrate that BTEX can be a pollutant of particular concern from hydrocarbons stored in storage tanks. The BTEX parameter is determined to be an appropriate indicator parameter for other hydrocarbon fuel components which might be discharged from sites during the dewatering of petroleum storage tanks, dewatering underground petroleum storage tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Because of the highly variable composition of petroleum hydrocarbon fuels, for some products any one of the four BTEX constituents can be the predominant constituent; therefore, application of this aggregate parameter is appropriate.

A BAT effluent limitation of 250 µg/L has been established for Total BTEX and is included in this general permit for covered discharges. This limitation is well below the total of the human health drinking water criteria for benzene, ethylbenzene, and toluene, the BTEX constituents for which standards are established in LAC 33:IX.1113. The other constituent, xylene, is not expected to be present in amounts which might significantly affect the totals. This pollutant is of concern mainly in aviation fuels, which will constitute at most only a small number of the total discharges this permit will authorize. The proposed effluent limitation of 250 µg/l for Total BTEX is the same as that used in the current LPDES General Permit for Discharges from Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks, and Excavations; and the LPDES General Permit for Discharges of Hydrostatic Test Wastewater.

e. **Lead:** An effluent limitation for lead is included in this general permit for discharges resulting from the dewatering of petroleum storage tanks, dewatering underground petroleum storage tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Lead was previously used as a

fuel additive in gasoline, but that use was discontinued. Further, this Office has found through its permitting experience with the LPDES General Permit for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Louisiana that lead is a useful parameter, in conjunction with Total BTEX, for the regulation of this type of hydrocarbons. A lead BAT effluent limitation of 50 µg/l is therefore established. The 50 µg/l limit is equivalent to the in-stream criterion applicable to surface water bodies designated as Drinking Water Supply sources, and protects for primary and secondary contact recreation and fish consumption. This effluent limitation is also utilized in the LPDES General Permit for Discharges of Treated Groundwater, Potentially Contaminated Storm Water, and/or Associated Wastewater; the LPDES General Permit for Discharges Resulting from Implementing Corrective Action Plans for Cleanup of Petroleum Underground Storage Tank (UST) Systems; and the LPDES Hydrostatic Test Wastewater Discharge General Permit.

C. MONITORING FREQUENCIES FOR LIMITED PARAMETERS

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity (LAC 33:IX.2715/40 CFR 122.48(b)) and to assure compliance with permit limitations (LAC 33:IX.2707.I.1/40 CFR 122.44(l)(1)).

The monitoring frequencies assigned to each parameter in the permit are equivalent to the monitoring frequencies used in existing LPDES general permits and in individual permits issued by this Office.

Flow: 1/day for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

TOC: once/discharge for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

pH: once/discharge for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

Oil and Grease: once/discharge for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of new tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum.

Total BTEX: once/discharge for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of previously used tanks, and dewatering of

excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Sampling for BTEX is not required for discharges from clean, new tanks.

Lead: once/dischARGE for discharges of wastewater from dewatering petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering of ballast water used in the installation of previously used tanks, and dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum. Sampling for Lead is not required for discharges from clean, new tanks.

IX. PUBLIC NOTICES (LAC 33:IX.3111.B.6)

The public notice describes the procedures for the formulation of final determinations.

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the permit. Any interested person may also submit a written request for clarification of issues related to the content of the general permit or the permit issuance process. Interested persons may also submit written requests for notification of the final permit decision or to request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The public notice specifies that written comments and/or written requests shall be submitted to the LDEQ Public Participation Group and that written comments and/or written requests must be received by the Department by a specific deadline.

Public notice will be published in:

THE ADVOCATE of Baton Rouge
LAKE CHARLES AMERICAN PRESS
THE ADVERTISER of Lafayette
THE TIMES of Shreveport
THE TIMES PICAYUNE of New Orleans
THE NEWS-STAR of Monroe
THE TOWN TALK of Alexandria
THE COURIER of Houma

LDEQ Permits Public Notice Mailing List

LDEQ Permits Public Web Page at

<http://www.deq.louisiana.gov/news/pubnotice/default.asp>.

The draft permit, NOI, and fact sheet will be available for review at the LDEQ Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, Louisiana, during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

The Water Permits Division will send notification of the final permit decision to each person who has submitted written comments or a written request for notification of the final decision.

X. ENDANGERED SPECIES ACT

The proposed limitations on these discharges are sufficiently stringent to assure state water quality standards, both aquatic life and human health protection, will be met for site-specific discharges as well as discharges from statewide activities to any receiving stream throughout the state. The effluent limitations established in this permit mirror those found in the current permit that became effective on January 1, 2005.

The United States Fish and Wildlife Service (USFWS) issued a letter of no objection for the issuance of the current LPDES LAG300000 permit that expires December 31, 2009. Section II.3 of the 2008-2009 Implementation Strategy for the Louisiana Department of Environmental Quality and the U.S. Fish and Wildlife Service Memorandum of Understanding (MOU) from the USFWS dated November 17, 2008, notes that no coordination with the USFWS is required for the reissuance of LAG300000. The MOU notes that the effluent limitations in the permit are established to ensure the protection of aquatic life and maintenance of the receiving waters. Therefore, no coordination is required because the general permit is not likely to adversely affect listed species.

In 2004, the USFWS concurred with our general determination and with our finding that adoption of the NOI procedures are appropriate to assure that automatic authorization to discharge under this general permit is unlikely to adversely affect the conservation of threatened and endangered species in receiving water bodies throughout the state.

The United States Fish and Wildlife Service (USFWS) issued a letter of no objection for the issuance of the current LPDES LAG300000 permit that expires December 31, 2009. Section II.3 of the 2008-2009 Implementation Strategy for the Louisiana Department of Environmental Quality and the U.S. Fish and Wildlife Service Memorandum of Understanding (MOU) from the USFWS dated November 17, 2008, states that no further coordination with the USFWS is required for the renewal of this general permit because the permit does not contain any changes/modifications in permit limitations or contains more stringent limitations than the 2005 version of the permit. The USFWS has already reviewed and provided concurrence for the 2005 version of the permit. In accordance with the 2008 MOU, concurrence from the USFWS that the draft general permit adequately addresses impacts that discharges may have on endangered and/or threatened species is not required for the reissuance of this general permit:

XI. HISTORICAL PRESERVATION ACT

An operator must be in compliance with the National Historic Preservation Act to be eligible for coverage under this general permit. Discharges may be authorized under this permit only if:

- (1) Storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or eligible for listing on the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (SHPO); and
- (2) If applicable, the operator has obtained and is in compliance with a written agreement with the SHPO that outlines all measures you will undertake to mitigate or prevent adverse effects to the historic property.

The state finds that adoption of the reissued permit is unlikely to have unauthorized adverse effects upon properties listed or eligible for listing in the National Register of Historic Places provided that permittees meet the above applicability requirements contained in the permit. The draft permit and fact sheet will be submitted to the State Historic Preservation Office for their comments and/or concurrence with the state's determination.

XII. FEES

At the time of proposed issuance, the annual maintenance and surveillance fee for coverage under this permit will be \$99.00. A twenty percent surcharge (up to a maximum surcharge of \$150.00) will be added to the annual fee for individual sites or facilities located in the following basins: Atchafalaya River, Barataria, Lake Pontchartrain, Mississippi River, and Terrebonne. Monies collected through this surcharge are deposited in the Oyster Sanitation Fund, which is used to support molluscan sanitation efforts. The annual maintenance and surveillance fee for statewide permit coverage will be \$851.00. The agency may adjust fee amounts at a later date by promulgation of same in the Louisiana Administrative Code.

XIII. SCHEDULE OF COMPLIANCE

The permittee is to be in compliance with the permit limitations and conditions as of the date of coverage under the general permit.

XIV. STATE WATER QUALITY STANDARDS

Pursuant to the Louisiana Environmental Quality Act (LA. R.S. 30:2001, et seq.) and in conformity with the Clean Water Act the state of Louisiana has established "... water quality standards to prohibit, control, or abate water pollution."

Each NOI that is received by LDEQ to request coverage under general permit LAG300000 undergoes a complete evaluation to ascertain that the subject facility or project can be adequately regulated by coverage under the general permit. The evaluation is conducted prior to issuing a general permit authorization number to the facility or project, and to

confirm that the facility or project is eligible for coverage under the general permit. The evaluation includes, but is not limited to, assessing the reasonable potential for the discharge of pollutants from the facility to cause or contribute to a violation of water quality standards. The scientist who evaluates the NOI may request additional information from the applicant, and, if necessary the facility may be visited to clarify information and to confirm that the facility is eligible for general permit coverage. The scientist determines which LDEQ basin subsegment the facility discharges will enter, the route of the facility's discharges, the designated uses of the receiving water body, and the potential to impact threatened or endangered species that may exist in the basin subsegment, in order to confirm that the facility meets the eligibility requirements of the general permit prior to issuing a permit authorization number to the facility.

The proposed permit would require as an eligibility condition that covered discharges not cause or have the reasonable potential to cause or contribute to a violation of a state water quality standard. If a discharge is known to be doing such the operator must seek coverage under an alternative permit. Where a discharger is already operating under the permit and is later discovered to cause or have the reasonable potential to cause or contribute to the violation of a state water quality standard, the permitting authority will notify the operator of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the pollution prevention plan. If violations remain or recur then coverage under the permit will be terminated. Compliance with this requirement does not preclude any enforcement activity as provided by the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.) for the underlying violation. A permit reopener clause is included in the permit.

Should any TMDLs and wasteload allocations which address these discharges be developed, implementation within the required time frames for application of these requirements will be completed. After a complete evaluation is conducted to assess the reasonable potential for the discharge of pollutants from the facility to cause or contribute to further violation of water quality standards for any known impairments, coverage under the general permit may be denied and regulation under an individual permit required if more stringent limitations than the limitations contained in the general permit are required for protection of the impaired receiving stream.

Where an approved or established TMDL has not specified a wasteload allocation (WLA) applicable to discharges covered by this general permit, but has not specifically excluded these discharges, it will generally be assumed that discharges from facilities permitted under this general permit are consistent with approved TMDLs.

Each NOI received to request authorization under this LPDES general permit will be evaluated by the Agency to assure any WLAs are met, and that in-stream standards will not be violated by the proposed discharges. Coverage under the general permit may be

denied and regulation under an individual permit required if more stringent limitations than the limitations contained in the general permit are required for protection of a receiving stream.

In order to meet the assumptions and requirements of established or approved TMDLs, coverage under this general permit may be denied and regulation under an individual permit required. Facilities that discharge to a specific 303(d) listed impaired water body will not be eligible for coverage under this general permit if the TMDL for that particular water body specifically precludes discharges covered by this general permit, or where the discharge can be expected to cause or contribute to the water quality impairment addressed by the TMDL.

The general criteria and numerical criteria which make up the stream standards are provided in the "Louisiana Surface Water Quality Standards", (LAC 33:IX.11, amended as of September 1989, March 1991, April 1994, August 1994, July 1995, November 1996, October 1998, December 1999, March 2001, March 2002, August 2002, September 2003, July 2004, November 2004, April 2005, and May 2006).

For the purposes of assuring that state water quality standards are achieved, the following language is being included in the general permit (*Other Conditions*, Section G) along with a reopener clause (*Other Conditions*, Section I).

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality regulations which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

Discharges from facilities permitted under LPDES general permits typically consist of low volume flows, and discharges that are intermittent in nature. This general permit is applicable to very specific types of facilities and allows very limited types of discharges that specifically occur at facilities that are eligible for coverage under this permit. The effluent limitations and other conditions are determined to be sufficient to assure protection to state waters. Pursuant to LAC 33:IX.2317.A.9, new source discharges or new discharges of wastewater from a facility whose discharges are in compliance with the general permit requirements should not adversely impact water quality of 303(d) listed impaired water bodies nor should they cause or contribute to the violation of state water quality standards in receiving water bodies throughout the state, including 303(d) impaired water bodies. Discharges from facilities which are authorized under this general permit will not negatively impact the water quality

of receiving streams because permitted facilities are required to be in compliance with the general permit requirements immediately upon coverage by the permit. In accordance with *Other Conditions*, Sections F, I and M, measures can be taken by the permitting authority to prohibit any discharge that is not protective of state water quality standards.

Discharges of wastewater from dewatering petroleum storage tanks, tank beds, new tanks and excavations from eligible facilities are relatively small flows and are generally non-continuous in nature. The experience which this Office has in permitting these discharges, and the absence of any identified adverse effects to the receiving water bodies for discharges under previously-issued permits, support the adequacy of continuing the previously applied conditions and effluent limitations to assure that water quality standards will be met, as supported in the following discussion and above in Item VII of this Fact Sheet.

The permit duplicates the parameters, limitations, and requirements found in the LPDES General Permit for Discharges that Result From Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks and Excavations effective January 1, 2005, and modified August 1, 2005, except for the minor changes described above in Section VIII.B.1.

EPA Region VI concurred that the effluent limitations established in the 2005 permit ensured attainment of water quality standards. The state does not believe any water quality issues have developed that were not considered when the 2005 permit was prepared; therefore, that determination is still valid and these limitations are proposed for the reissued permit.

The parameters and limits contained in the draft permit will offer adequate protection to any streams listed on the LDEQ Section 303(d) List of Impaired Waterbodies. DO impacted streams will be adequately protected by the TOC limitations included in the permit.

XV. FINAL DETERMINATION

The availability of an LPDES General Permit for Discharges from Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks, and Excavations streamlines the permit process for certain sources that generate common types of wastewaters that can be effectively treated by common types of treatment systems, to meet the effluent limitations contained in the permit. LDEQ streamlines the permit process for low-volume, temporary dischargers by utilizing a general permit to regulate discharges from facilities or operations that discharge dewatering wastewater. Utilization of a general permit to permit these facilities and discharges allows the Department to devote more resources to issuing individual LPDES permits to industrial facilities with discharges that require more regulatory oversight while ensuring that discharges permitted under this general permit are protective of state

water quality standards in receiving streams throughout the state.

This agency has determined that discharges covered by this authorization can be adequately treated by common types of treatment systems to meet the effluent limitations contained in the general permit. The resulting discharges that are in compliance with the permit limitations should not pose any responsible potential to cause or contribute to any existing water quality or 303(d) listed impairment.

The effluent limitations and monitoring requirements of this permit are adequate to protect for the designated uses and water quality standards of Louisiana.

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue the permit for the discharges described above in Sections I and II.